

American Common Law

****Origins and Development:****

1. ****English Roots****: American common law traces its roots back to English common law. When the American colonies were established, they brought with them the English legal system, which included the common law traditions that had developed in England over centuries. English common law itself evolved from the decisions of royal courts in England during the medieval period.

2. ****Colonial Era****: In the American colonies, the common law was adapted to local conditions. Colonial courts often looked to English legal precedents for guidance, but they also made adjustments to address the unique social, economic, and geographical circumstances of the colonies.

3. ****Post-Independence****: After gaining independence in 1776, the newly formed United States continued to use English common law as a foundation. However, American courts began to develop their own body of common law that reflected the values and needs of the new nation.

4. ****19th Century****: The 19th century saw significant development in American common law. Landmark cases during this period helped to establish key legal principles in areas such as contract law, property law, tort law, and criminal law. American judges often looked to English precedents but gradually developed distinct American legal doctrines.

5. ****20th Century****: The 20th century brought further refinement and modernization of American common law. The legal system became more formalized with the establishment of extensive legal codes and statutes. However, judicial decisions continued to play a crucial role in interpreting and shaping the law.

****Key Characteristics:****

- **Case Law**: Common law is primarily based on judicial decisions and precedents. Courts interpret statutes and regulations, and their decisions become part of the legal framework.
- **Precedent**: The principle of stare decisis, meaning "to stand by things decided," is fundamental to common law. Courts follow precedents set by higher courts to ensure consistency and predictability in the law.
- **Judicial Interpretation**: Judges play a central role in shaping the law through their interpretations of statutes, regulations, and prior case decisions.